

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Representative Joann Freeborn at 3:30 p.m. on March 13, 2003 in Room 231-N of the Capitol.

All members were present except: Representative Bill Light - excused

Committee staff present: Raney Gilliland, Legislative Research  
Mary Torrence, Revisor of Statutes  
Mary Ann Graham, Secretary

Conferees appearing before the committee:

Others attending: See attached sheet

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She announced that committee minutes for February 11, February 13, and February 18, had been distributed for committee members to review. A vote for approval will be taken in the next committee meeting. On Thursday, March 20, a hearing is scheduled for **HCR5019** - Urging the Risk Management Agency of the United States Department of Agriculture to assure that crop insurance policies do not require irrigation after crop failure has occurred.

The Chairperson opened **SB155** for discussion and possible action.

**SB155: Concerning waste tire accumulations.**

Chairperson Freeborn recognized Rep. Lee Tapanelli. He submitted an amendment to the bill. (See attachment 1)

Rep. Lee Tapanelli made a motion the amendment (See attachment 1) be adopted. Rep. Dan Johnson seconded the motion.

Committee discussion followed.

The Chairperson recognized Bill Bider, Director, Bureau of Waste Management, KS Department of Health and Environment (KDHE). He made comment to the amendment submitted by Rep. Tapanelli and suggested that by allowing the Secretary of KDHE to set terms and conditions through rules and regulations may be giving more flexibility than intended.

Rep. Lee Tapanelli withdrew his motion which was agreeable with Rep. Dan Johnson the second to the motion.

At Rep. Lee Tapanelli's request Mary Torrence, Revisor of Statutes, proposed new language for the amendment, page 3 (E) to read "the final disposal of small numbers of whole unprocessed waste tires intermingled with other solid waste in landfills when retrieval of such tires would be hazardous."

Rep. Lee Tapanelli made a motion the proposed language by staff be adopted. Rep. Dan Johnson seconded the motion. Motion carried.

Chairperson Joann Freeborn recognized Rep. Larry Powell. He submitted an amendment to the bill. (See attachment 2)

Rep. Larry Powell made a motion to adopt the amendment (See attachment 2). Rep. John Faber seconded the motion.

Committee discussion followed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT at 3:30 p.m. on March 13, 2003 in Room 231-N of the Capitol.

Rep. Larry Powell withdrew the motion. Rep. John Faber withdrew second to the motion.

Rep. Larry Powell made a motion to accept conceptual motion. Rep. Sharon Schwartz seconded the motion. Motion carried.

The Chairperson recognized Rep. Sharon Schwartz. She submitted an amendment to the bill. (See attachment 3)

Committee discussion followed.

Rep. Sharon Schwartz made a motion to adopt the amendment (See attachment 3). Rep. Larry Powell seconded the motion. Motion failed.

Mary Torrence, Revisor of Statutes, distributed technical amendments to the bill. (See attachment 4)

Rep. Vaughn Flora made a motion the technical amendments be adopted. Rep. Donald Betts seconded the motion. Motion carried.

The Chairperson announced that final action on **SB155** will be taken in the next scheduled committee meeting.

The meeting adjourned at 4:20 p.m. The next meeting is scheduled for Thursday, March 20, 2003.



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Attachment 1

1 department with information concerning the site's location and size and  
2 the approximate number of waste tires that are accumulated at the site.

3 ~~(1)~~ No person shall:

4 ~~(1) (a)~~ Maintain a waste tire site unless such person holds a valid  
5 permit issued for such site pursuant to K.S.A. 65-3424b and amendments  
6 thereto ~~an illegal waste tire accumulation;~~

7 ~~(2)~~ dispose of waste tires in the state unless the waste tires are dis-  
8 posed of for processing, or collected for processing, at a solid waste proc-  
9 essing facility, a waste tire site which is an integral part of a waste tire  
10 processing facility, a waste tire processing facility or a waste tire collection  
11 center or are made available to: (A) The department of wildlife and parks  
12 for use by the department, or (B) a person engaged in a farming or ranch-  
13 ing activity, including the operation of a feedlot as defined by K.S.A. 17-  
14 1501, and amendments thereto, as long as the accumulation has a bene-  
15 ficial use to the person accumulating the tires and (i) the secretary  
16 determines that the use has no adverse environmental effects and (ii) the  
17 accumulation is in accordance with all applicable zoning regulations

18 ~~(b)~~ transfer ownership of waste tires to any person unless the recipient:

19 ~~(1)~~ Has been issued a permit by the secretary pursuant to K.S.A. 65-3407,  
20 and amendments thereto, or K.S.A. 65-3424b, and amendments thereto;

21 ~~(2)~~ intends to use the waste tires for a beneficial use; or ~~(3)~~ is a tire retailer  
22 who collects waste tires from the public or other tire retailers in the or-  
23 dinary course of business;

24 ~~(3) (c)~~ deposit waste tires in a landfill as a method of ultimate disposal,  
25 except that the secretary may authorize, by rules and regulations or by  
26 permits issued pursuant to K.S.A. 65-3407, and amendments thereto: (A)  
27 The final disposal of processed waste tires at permitted municipal solid  
28 waste landfills and permitted waste tire monofills; (B) the final disposal  
29 of contaminated whole, unprocessed waste tires at permitted municipal  
30 solid waste landfills and permitted waste tire monofills; (C) the use of  
31 waste tires in their original state as part of *or supplemental to* a proven  
32 and approved leachate collection system at a landfill; ~~or~~ D) the use of  
33 waste tires which have been cut into two or more parts as daily cover  
34 material for a landfill; or ~~F~~

35 ~~(4) (d)~~ receive money in exchange for waste tires unless: (A) The per-  
36 son holds a permit issued by the secretary pursuant to K.S.A. 65-3407,  
37 and amendments thereto, or K.S.A. 65-3424b, and amendments thereto;  
38 or (B) the person is a tire retailer who collects waste tires from the public  
39 or from other tire retailers in the ordinary course of business.

40 Sec. 3. K.S.A. 65-3424b is hereby amended to read as follows: 65-  
41 3424b. (a) The secretary shall establish a system of permits for mobile  
42 waste tire processors ~~and~~ waste tire processing facilities, ~~and permits for~~  
43 waste tire transporters and waste tire collection centers. Such permits

(E) the final disposal of whole, unprocessed waste tires in landfills under such terms and conditions as specified by such rules and regulations; or

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Attachment 2

1 center on the premises:

2 (2) a business that, in the ordinary course of business, removes tires  
3 from motor vehicles ~~if~~ where fewer than 1,500 of these tires are kept on  
4 the business premises ~~may operate a waste tire collection center or a waste~~  
5 ~~tire processing facility or both on the premises:~~

6 (3) a retail tire-selling business ~~which is serving as a waste tire col-~~  
7 ~~lection center~~ if where fewer than 1,500 waste tires are kept on the busi-  
8 ness premises ~~may operate a waste tire collection center or a waste tire~~  
9 ~~processing facility or both on the premises;~~

10 (4) the department of wildlife and parks ~~may perform one or more of~~  
11 ~~the following to facilitate a beneficial use of waste tires:~~ (A) Operate a  
12 waste tire collection center on the premises of any state park, state wild-  
13 life area, or state fishing lake; (B) operate a waste tire processing fa-  
14 cility on the premises of any state park, state wildlife area, or state  
15 fishing lake; or (C) act as a waste tire transporter to transport waste  
16 tires to any state park, state wildlife area, or state fishing lake;

17 (5) a person engaged in a farming or ranching activity, including the  
18 operation of a feedlot as defined by K.S.A. 47-1501, and amendments  
19 thereto, as long as the accumulation has a beneficial use ~~may perform one~~  
20 ~~or more of the following to facilitate a beneficial use of waste tires:~~ (A)  
21 ~~Operate an on-site waste tire collection center on the premises of the~~  
22 ~~feedlot; (B) operate an on-site waste tire processing facility on the~~  
23 ~~premises of the feedlot; or (C) act as a waste tire transporter to transport~~  
24 ~~waste tires to the farm, ranch, or feedlot;~~

25 (6) ~~a waste tire collection center where fewer than 1,500 used tires~~  
26 ~~are kept on the premises;~~

27 ~~(7) a waste tire collection center~~ a person with a used tire accumu-  
28 lation where: (1) fewer than 1,500 or more used tires are kept on the  
29 premises; or (2) 1,500 or more used tires are kept on the premises, if the  
30 owner demonstrates through sales and inventory records that such tires  
31 have value, as established in accordance with standards adopted by rules  
32 and regulations of the secretary ~~may operate a waste tire collection center:~~

33 ~~(8) (7) local units of government operating managing waste tires at~~  
34 ~~solid waste processing facilities and or solid waste disposal areas permitted~~  
35 ~~by the secretary under the authority of K.S.A. 65-3407, and amendments~~  
36 ~~thereto may perform one or more of the following in accordance with the~~  
37 ~~conditions of the solid waste permit:~~ (A) Operate a waste tire collection  
38 center on the premises of the permitted facility; (B) operate a waste tire  
39 processing facility on the premises of the permitted facility; (C) act as a  
40 waste tire transporter to transport waste tires to the permitted facility; or  
41 (D) act as a mobile waste tire processor;

42 ~~(9) (8) a person transporting may act as a transporter to transport:~~  
43 (A) Waste tires mixed with other municipal solid waste; (B) fewer than

: (A)  
(i)  
(ii)  
(iii)

or (B) may operate an on-site waste tire collection center, operate an on-site waste tire processing facility or act as a waste tire transporter to transport waste tires to the farm, ranch or feedlot for one or more of the following uses, whether or not determined by the secretary to be a beneficial use: Windbreaks, bank stabilization, stabilization of blow-outs, livestock feeders or other uses consistent with generally accepted agricultural or conservation practices;

(6) a watershed district may operate a waste tire collection center on watershed property, operate a waste tire processing facility on watershed property or act as a waste tire transporter to transport waste tires to watershed property for one or more of the following uses, whether or not determined by the secretary to be a beneficial use: Erosion control, breakwaters or other uses consistent with generally accepted conservation practices.

[renumber remaining subsections accordingly]

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Attachment 3

1 shall be issued for a period of one year and shall require an application  
2 fee established by the secretary in an amount not exceeding \$250 per  
3 year.

4 (b) The secretary shall adopt rules and regulations establishing stan-  
5 dards for mobile waste tire processors, waste tire processing facilities ~~and~~  
6 ~~associated waste tire sites~~, waste tire collection centers and waste tire  
7 transporters. Such standards shall include a requirement that the per-  
8 mittee file with the secretary a bond or other financial assurance in an  
9 amount determined by the secretary to be sufficient to pay any costs  
10 which may be incurred by the state to process any waste tires or dispose  
11 of any waste tires or processed waste tires if the permittee ceases business  
12 or fails to comply with this act.

13 (c) Any person who contracts or arranges with another person to col-  
14 lect or transport waste tires for storage, processing or disposal shall so  
15 contract or arrange only with a person holding a permit from the secre-  
16 tary. Any person contracting or arranging with a person, permitted by the  
17 secretary, to collect or transport waste tires for storage, processing or  
18 disposal, transfers ownership of those waste tires to the permitted person  
19 and the person contracting or arranging with the person holding such  
20 permit to collect or transport such tires shall be released from liability  
21 therefor. Any person contracting or arranging with any person, ~~permitted~~  
22 ~~by the secretary~~, for the collection, transportation, storage, processing ~~or~~  
23 disposal *or beneficial use* of such tires shall maintain a record of such  
24 transaction for a period of not less than ~~five~~ *three* years following the date  
25 of the transfer of such tires. *Record-keeping requirements for beneficial*  
26 *use shall not apply when tire retailers allow customers to retain their old*  
27 *tires at the time of sale.*

28 ~~[(d) The owner or operator of each site that contains a waste tire, used~~  
29 ~~tire or new tire accumulation of any size must control mosquito breeding~~  
30 ~~and other disease vectors.]~~

31 (e) Except for the following waste tire and used tire management ac-  
32 tivities, no person shall:

33 ~~(1) own or operate a waste tire processing facility or waste tire collection~~  
34 ~~center or act as a mobile waste tire processor or waste tire transporter~~  
35 ~~unless such person holds a valid permit issued therefor pursuant to sub-~~  
36 ~~section (a); or~~

37 ~~(2) own or operate a waste tire processing facility or waste tire col-~~  
38 ~~lection center or act as a mobile waste tire processor or waste tire trans-~~  
39 ~~porter except in compliance with the standards established by the sec-~~  
40 ~~retary pursuant to subsection (b).~~

41 ~~(c) The provisions of subsection (d)(1) shall not apply to:~~

42 (1) A tire retreading business where fewer than ~~1,000~~ *1,500* waste  
43 tires are kept on the business premises *may operate a waste tire collection*

strike and reletter remaining subsections



technical

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Attachment 4

As Amended by Senate Committee

Session of 2003

SENATE BILL No. 155

By Committee on Natural Resources

2-5

AN ACT concerning solid ~~hazardous~~ waste; relating to waste tires; amending K.S.A. 65-3424, 65-3424a, 65-3424b, 65-3424g, 65-3424k and 65-3426 and repealing the existing sections; also repealing K.S.A. 65-3424m.

strike "hazardous"

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 65-3424 is hereby amended to read as follows: 65-3424. As used in K.S.A. 65-3424 through 65-3424i, and amendments thereto, unless the context otherwise requires:

(a) Terms have the meaning provided by K.S.A. 65-3402, and amendments thereto.

(b) "Abatement" means the processing or removing to an approved storage site of waste tires which are creating a danger or nuisance.

(c) "Beneficial use" means the use or storage of waste tires in a way that creates an on-site economic benefit to the owner of the tires and, as determined by the secretary, causes no adverse impacts to human health or the environment and complies with all applicable zoning requirements.

(d) "Contaminated waste tire" means a tire which, as determined in accordance with rules and regulations adopted by the secretary, is recovered in a project to abate a waste tire accumulation and is so coated by or filled with dirt, mud, sludge or other natural substances as to render the tire substantially unsuitable for processing.

(e) ~~"Landfill" means a disposal site in which the method of disposing of solid waste is by landfill, dump or pit and which has a solid waste disposal area permit issued under K.S.A. 65-3401 et seq., and amendments thereto.~~ "Illegal waste tire accumulation" means any waste tire pile containing more than 50 waste tires except the following:

(1) A waste tire accumulation on the premises of a facility which has been issued a permit by the secretary pursuant to K.S.A. 65-3407 ~~and amendments thereto, or K.S.A. 65-3424b, and amendments thereto, and managed in accordance with the conditions of such permit; or~~ or

(2) a waste tire accumulation which is exempt from the waste tire collection center permit requirement ~~listed in~~ K.S.A. 65-3424b, and amendments thereto, pursuant to

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1 (f) "Mobile waste tire processor" means a person who processes  
2 waste tires at other than a fixed site.

3 (g) "Process" means: (1) Cut or otherwise alter whole waste tires so  
4 that they are no longer whole; or (2) bale for disposal or beneficial use.

5 (h) "Store" or "storage" means the placing of waste tires in a manner  
6 that does not constitute disposal of the waste tires. Storage includes the  
7 beneficial use of waste tires as silo covers and such other beneficial uses  
8 as the secretary determines do not create health or environmental risks.

9 (i) "Tire" means a continuous solid or pneumatic rubber covering  
10 used to encircle the wheel of a vehicle or aircraft, or an innertube of such  
11 a covering.

12 (j) "Tire retailer" means a person in the business of selling new or  
13 used replacement tires at retail.

14 (k) "Used tire" means a tire that: (1) Has been removed from a wheel  
15 following a period of use or remains on a wheel removed from a vehicle  
16 or aircraft following a period of use; and (2) has been determined to have  
17 value in accordance with rules and regulations established pursuant to  
18 subsection (e)(7) of K.S.A. 65-3424b, and amendments thereto.

19 (l) "Vehicle" has the meaning provided by K.S.A. 8-1455 and amend-  
20 ments thereto and includes implements of husbandry, as defined by  
21 K.S.A. 8-1427 and amendments thereto.

22 (m) "Waste tire" means a whole tire that: (1) Has been removed from  
23 a wheel following a period of use or remains on a wheel removed from a  
24 vehicle or aircraft following a period of use; and (2) is no longer suitable  
25 for its original intended purpose because of wear, damage or defect.

26 (n) "Waste tire collection center" means a site where used or waste  
27 tires are collected from the public or from customers of a business prior  
28 to being offered for recycling or disposal.

29 (o) "Waste tire processing facility" means a fixed site where equip-  
30 ment is used to process waste tires.

31 (p) "Waste tire site" means a site at which 1,000 or more whole waste  
32 tires are accumulated. "Waste tire site" does not include: (1) A site that  
33 is an integral part of a permitted waste tire processing facility; (2) an  
34 accumulation of tires on the premises of a tire retreading business, for  
35 use in the business; (3) an accumulation of tires on the premises of a  
36 business that, in the ordinary course of business, removes tires from mo-  
37 tor vehicles; (4) an accumulation of tires on the premises of a tire retailer,  
38 accumulated in the normal course of the tire retailer's business; or (5) an  
39 accumulation of tires which has a beneficial use approved by statute or  
40 rules and regulations adopted by the secretary, or by the secretary pur-  
41 suant to statute or rules and regulations.

42 Sec. 2. K.S.A. 65-3424a is hereby amended to read as follows: 65-  
43 3424a (a) The owner or operator of any waste tire site shall provide the



1 department with information concerning the site's location and size and  
2 the approximate number of waste tires that are accumulated at the site.

3 ~~(b)~~ No person shall:

4 ~~(1)~~ (a) Maintain a waste tire site unless such person holds a valid  
5 permit issued for such site pursuant to K.S.A. 65-3424b and amendments  
6 thereto *an illegal waste tire accumulation*;

7 ~~(2)~~ dispose of waste tires in the state unless the waste tires are dis-  
8 posed of for processing, or collected for processing, at a solid waste proc-  
9 essing facility, a waste tire site which is an integral part of a waste tire  
10 processing facility, a waste tire processing facility or a waste tire collection  
11 center or are made available to: (A) The department of wildlife and parks  
12 for use by the department, or (B) a person engaged in a farming or ranch-  
13 ing activity, including the operation of a feedlot as defined by K.S.A. 17-  
14 1501, and amendments thereto, as long as the accumulation has a bene-  
15 ficial use to the person accumulating the tires and (i) the secretary  
16 determines that the use has no adverse environmental effects and (ii) the  
17 accumulation is in accordance with all applicable zoning regulations.

18 ~~(b)~~ transfer ownership of waste tires to any person unless the recipient:

19 (1) Has been issued a permit by the secretary pursuant to K.S.A. 65-3407,  
20 and amendments thereto, or K.S.A. 65-3424b, and amendments thereto;

21 (2) intends to use the waste tires for a beneficial use; or (3) is a tire retailer  
22 who collects waste tires from the public or other tire retailers in the or-  
23 dinary course of business;

24 ~~(c)~~ deposit waste tires in a landfill as a method of ultimate disposal,  
25 except that the secretary may authorize, by rules and regulations or by  
26 permits issued pursuant to K.S.A. 65-3407, and amendments thereto: (A)  
27 The final disposal of processed waste tires at permitted municipal solid  
28 waste landfills and permitted waste tire monofills; (B) the final disposal  
29 of contaminated whole, unprocessed waste tires at permitted municipal  
30 solid waste landfills and permitted waste tire monofills; (C) the use of  
31 waste tires in their original state as part of *or supplemental to* a proven  
32 and approved leachate collection system at a landfill; or (D) the use of  
33 waste tires which have been cut into two or more parts as daily cover  
34 material for a landfill; or

35 ~~(d)~~ receive money in exchange for waste tires unless: (A) The per-  
36 son holds a permit issued by the secretary pursuant to K.S.A. 65-3407, *or*  
37 *and amendments thereto, or K.S.A. 65-3424b, and amendments thereto;*  
38 or (B) the person is a tire retailer who collects waste tires from the public  
39 *or from other tire retailers* in the ordinary course of business.

40 Sec. 3. K.S.A. 65-3424b is hereby amended to read as follows: 65-  
41 3424b. (a) The secretary shall establish a system of permits for mobile  
42 waste tire processors ~~and~~, waste tire processing facilities, ~~and permits for~~  
43 waste tire transporters and *waste tire* collection centers. Such permits

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1 shall be issued for a period of one year and shall require an application  
2 fee established by the secretary in an amount not exceeding \$250 per  
3 year.

4 (b) The secretary shall adopt rules and regulations establishing stan-  
5 dards for mobile waste tire processors, waste tire processing facilities ~~and~~  
6 ~~associated waste tire sites~~, waste tire collection centers and waste tire  
7 transporters. Such standards shall include a requirement that the per-  
8 mittee file with the secretary a bond or other financial assurance in an  
9 amount determined by the secretary to be sufficient to pay any costs  
10 which may be incurred by the state to process any waste tires or dispose  
11 of any waste tires or processed waste tires if the permittee ceases business  
12 or fails to comply with this act.

13 (c) Any person who contracts or arranges with another person to col-  
14 lect or transport waste tires for storage, processing or disposal shall so  
15 contract or arrange only with a person holding a permit from the secre-  
16 tary. Any person contracting or arranging with a person, permitted by the  
17 secretary, to collect or transport waste tires for storage, processing or  
18 disposal, transfers ownership of those waste tires to the permitted person  
19 and the person contracting or arranging with the person holding such  
20 permit to collect or transport such tires shall be released from liability  
21 therefor. Any person contracting or arranging with any person, ~~permitted~~  
22 ~~by the secretary~~, for the collection, transportation, storage, processing or  
23 disposal *or beneficial use* of such tires shall maintain a record of such  
24 transaction for a period of not less than ~~five~~ *three* years following the date  
25 of the transfer of such tires. *Record-keeping requirements for beneficial*  
26 *use shall not apply when tire retailers allow customers to retain their old*  
27 *tires at the time of sale.*

28 (d) *The owner or operator of each site that contains a waste tire, used*  
29 *tire or new tire accumulation of any size must control mosquito breeding*  
30 *and other disease vectors.*

31 (e) ~~Except for the following waste tire and used tire management ac-~~ No  
32 ~~tivities, no~~ person shall:

33 —(1) ~~own or operate a waste tire processing facility or waste tire collection~~  
34 ~~center or act as a mobile waste tire processor or waste tire transporter~~  
35 ~~unless such person holds a valid permit issued therefor pursuant to sub-~~  
36 ~~section (a)(1).~~

37 —(2) ~~own or operate a waste tire processing facility or waste tire col-~~  
38 ~~lection center or act as a mobile waste tire processor or waste tire trans-~~  
39 ~~porter except in compliance with the standards established by the sec-~~  
40 ~~retary pursuant to subsection (b).~~

41 —(c) ~~The provisions of subsection (d)(1) shall not apply to~~, except that:

42 (1) A tire retreading business where fewer than ~~1,000~~ 1,500 waste  
43 tires are kept on the business premises *may operate a waste tire collection*

1 center on the premises:

2 (2) a business that, in the ordinary course of business, removes tires  
3 from motor vehicles ~~if~~ where fewer than 1,500 of these tires are kept on  
4 the business premises ~~may operate a waste tire collection center or a waste~~  
5 ~~tire processing facility or both on the premises;~~

6 (3) a retail tire-selling business ~~which is serving as a waste tire col-~~  
7 ~~lection center if~~ where fewer than 1,500 waste tires are kept on the busi-  
8 ness premises ~~may operate a waste tire collection center or a waste tire~~  
9 ~~processing facility or both on the premises;~~

10 (4) the department of wildlife and parks ~~may perform one or more of~~  
11 ~~the following to facilitate a beneficial use of waste tires:~~ (A) Operate a  
12 waste tire collection center on the premises of any state park, state wild-  
13 life area, or state fishing lake; (B) operate a waste tire processing fa-  
14 cility on the premises of any state park, state wildlife area, or state  
15 fishing lake; or (C) act as a waste tire transporter to transport waste  
16 tires to any state park, state wildlife area, or state fishing lake.

17 (5) a person engaged in a farming or ranching activity, including the  
18 operation of a feedlot as defined by K.S.A. 47-1501, and amendments  
19 thereto, as long as the accumulation has a beneficial use ~~may perform one~~ :  
20 ~~or more of the following to facilitate a beneficial use of waste tires:~~ (A)  
21 Operate ~~an on-site waste tire collection center on the premises of the~~  
22 ~~feedlot;~~ (B) operate ~~an on-site waste tire processing facility on the~~  
23 ~~premises of the feedlot;~~ or (C) act as a waste tire transporter to transport  
24 waste tires to the farm, ranch, or feedlot;

25 ~~(6) a waste tire collection center where fewer than 1,500 used tires~~  
26 ~~are kept on the premises;~~

27 ~~(7) a waste tire collection center~~ a person with a used tire accumu- (6) a person may operate a waste tire collection center if: (A) Fewer than 1,500  
28 ~~lation where, (1) fewer than 1,500 or more used tires are kept on the~~  
29 ~~premises; or (2) 1,500 or more used tires are kept on the premises, if the~~ (B)  
30 owner demonstrates through sales and inventory records that such tires  
31 have value, as established in accordance with standards adopted by rules  
32 and regulations of the secretary may operate a waste tire collection center;

33 ~~(8) (7) local units of government operating managing waste tires at~~  
34 ~~solid waste processing facilities and or solid waste disposal areas permitted~~  
35 ~~by the secretary under the authority of K.S.A. 65-3407, and amendments~~  
36 ~~thereto may perform one or more of the following in accordance with the~~  
37 ~~conditions of the solid waste permit:~~ (A) Operate a waste tire collection  
38 center on the premises of the permitted facility; (B) operate a waste tire  
39 processing facility on the premises of the permitted facility; (C) act as a  
40 waste tire transporter to transport waste tires to the permitted facility; or  
41 (D) act as a mobile waste tire processor;

42 ~~(9) (8) a person transporting may act as a transporter to transport:~~ waste tire  
43 (A) Waste tires mixed with other municipal solid waste; (B) fewer than

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1 five waste tires for lawful disposal: (C) waste tires generated by the busi-  
 2 ness, farming activities of the person or the person's employer: ~~or~~ (D)  
 3 waste tires for a beneficial use approved by statute ~~or~~ rules and regula-  
 4 tions, ~~or adopted~~ by the secretary (E) waste tires from an illegal waste  
 5 tire accumulation to a person who has been issued a permit by the sec-  
 6 retary pursuant to K.S.A. 65-3407 ~~and amendments thereto, or K.S.A.~~ **OR**  
 7 65-3424b. ~~and amendments thereto, provided approval has been obtained~~  
 8 from the secretary; or (F) five to 50 waste tires for lawful disposal, ~~pro-~~  
 9 ~~vided the transportation act is a one time occurrence to abate a legal~~  
 10 ~~accumulation of waste tires ; or~~

11 ~~(10) (9) a business engaged in processing, for resource recovery pur-~~  
 12 ~~poses, only waste tires generated by the business a tire retailer that in~~  
 13 ~~the ordinary course of business also serves as a tire wholesaler to other~~  
 14 ~~tire retailers may act as a waste tire transporter to transport waste tires~~  
 15 ~~from those retailers back to a central location owned or operated by the~~  
 16 ~~wholesaler for consolidation and final disposal or recycling.~~

17 (f) All fees collected by the secretary pursuant to this section shall be  
 18 remitted to the state treasurer in accordance with the provisions of K.S.A.  
 19 75-4215, and amendments thereto. Upon receipt of each such remittance,  
 20 the state treasurer shall deposit the entire amount in the state treasury  
 21 to the credit of the waste tire management fund.

22 Sec. 4. K.S.A. 65-3424g is hereby amended to read as follows: 65-  
 23 3424g. (a) There is hereby established in the state treasury the waste tire  
 24 management fund.

25 (b) Money from the following sources shall be credited to the waste  
 26 tire management fund:

- 27 (1) Revenue collected from the excise tax by K.S.A. 65-3424d and
- 28 amendments thereto;
- 29 (2) permit application and renewal fees provided for by K.S.A. 65-
- 30 3424b and amendments thereto;
- 31 (3) interest provided for by subsection (e);
- 32 (4) additional sources of funding such as reimbursements and appro-
- 33 priations intended to be used for the purposes of the fund;
- 34 (5) any recoveries from abatement and enforcement actions provided
- 35 for by K.S.A. 65-3424k and amendments thereto; and
- 36 (6) any other moneys provided by law.

37 (c) Moneys in the waste tire management fund shall be used only for  
 38 the purpose of:

- 39 (1) Paying compensation and other expenses of employing personnel
- 40 to carry out the duties of the secretary pursuant to K.S.A. 65-3424 through
- 41 65-3424h, and amendments thereto, but not more than \$250,000 ~~or 36%~~,
- 42 ~~whichever is less, of the moneys credited to the fund during the preceding~~
- 43 ~~fiscal year.~~

1 ~~(2) action by the department before July 1, 2003, to abate waste tires~~  
2 ~~accumulated prior to July 1, 1990.~~

3 ~~(3) action by the department to implement interim measures to min-~~  
4 ~~imize nuisances or risks to public health or the environment that are or~~  
5 ~~could be created by waste tire accumulations, until the responsible party~~  
6 ~~can fully abate the site or until a state clean-up occurs pursuant to K.S.A.~~  
7 ~~65-3424k, and amendments thereto:~~

8 ~~(4) (3) action by the department, with the consent of the city or~~  
9 ~~county, to pay for the removal and disposal or on-site stabilization of waste~~  
10 ~~tires which have been illegally accumulated after July 1, 1990, or, with~~  
11 ~~respect to the conditions of a permit issued by the department pursuant~~  
12 ~~to K.S.A. 65-3407 or 65-3424b, and amendments thereto, illegally man-~~ OR  
13 ~~aged, when the responsible party is unknown or unwilling or unable to~~  
14 ~~perform the necessary corrective action, provided moneys in the fund~~  
15 ~~shall only be used to pay up to 75% of the costs of the required abatement~~  
16 ~~action and the city or county shall pay the remaining 25% of such costs.~~  
17 ~~and~~ ;

18 ~~(5) (4) the costs of using contractors to provide: (A) Public education~~  
19 ~~regarding proper management of waste tires; (B) technical training of~~  
20 ~~persons on the requirements of solid waste laws and rules and regulations~~  
21 ~~relating to waste tires; and (C) services described in subsection (i) of~~  
22 ~~K.S.A. 65-3424k, and amendments thereto; and~~

23 ~~(5) grants to public or private entities for up to 75 percent of the cost~~ %  
24 ~~to start-up or enhance projects to recycle waste tires or recover energy~~  
25 ~~through waste tire combustion. In the fiscal year beginning July 1, 2003,~~  
26 ~~waste tire grants may not exceed \$200,000. In subsequent fiscal years,~~  
27 ~~waste tire grants may not exceed the amount of unspent excise tax revenue~~  
28 ~~from the preceding year calculated by subtracting all program expenses~~  
29 ~~and indirect transfers for department overhead from excise tax revenue.~~  
30 ~~All grant applications received for waste tire recycling grants shall be~~  
31 ~~reviewed by the solid waste grants advisory committee established pur-~~  
32 ~~suant to K.S.A. 65-3426, and amendments thereto. Waste tire recycling~~  
33 ~~grants shall be subject to the requirements set forth in K.S.A. 65-3415(g),~~ subsection (g) of K.S.A. 65-3415  
34 ~~and amendments thereto, related to the misuse of grant funds with the~~  
35 ~~exception that any grant funds recovered by the secretary shall be depos-~~  
36 ~~ited to the waste tire management fund. Waste tire management funds~~  
37 ~~shall be used only for waste tire recycling grants. Waste tire grants shall~~  
38 ~~not be awarded, nor shall waste tire funds be disbursed to a grant recip-~~  
39 ~~ient, if the department determines that the grant applicant or recipient is~~  
40 ~~operating in substantial violation of applicable environmental laws or reg-~~  
41 ~~ulations administered by the department.~~

42 (d) All expenditures from the waste tire management fund shall be  
43 made in accordance with appropriations acts upon warrants of the direc-

1 tor of accounts and reports issued pursuant to vouchers approved by the  
2 secretary.

3 (e) On or before the 10th of each month, the director of accounts  
4 and reports shall transfer from the state general fund to the waste tire  
5 management fund interest earnings based on: (1) The average daily bal-  
6 ance of moneys in the waste tire management fund for the preceding  
7 month; and (2) the net earnings rate for the pooled money investment  
8 portfolio for the preceding month.

9 Sec. 5. K.S.A. 65-3424k is hereby amended to read as follows: 65-  
10 3424k. (a) ~~Before July 1, 2003.~~ The secretary may undertake appropriate  
11 abatement action and may enter into contracts for the abatement of *illegal*  
12 waste tires ~~accumulated before July 1, 1990.~~ *accumulations or illegally*  
13 *managed waste tires* utilizing funds from the waste tire management fund.

14 (b) Any authorized representative of the secretary may enter, at rea-  
15 sonable times and upon written notice, onto any property or premises  
16 where an accumulation of waste tires is located to conduct: (1) An in-  
17 spection and site assessment to determine whether the accumulation cre-  
18 ates a nuisance or risk to public health and safety or to the environment;  
19 or (2) interim measures to minimize risk to public health and safety or to  
20 the environment.

21 (c) Whenever the secretary has reason to believe that an accumula-  
22 tion of waste tires creates a nuisance or risk to public health and safety  
23 or to the environment or is in violation of rules and regulations adopted  
24 by the secretary or conditions of a permit issued by the secretary, the  
25 secretary may require the person or persons responsible for the accu-  
26 mulation to carry out abatement activities. Such abatement activities shall  
27 be performed in accordance with a plan approved by the secretary. The  
28 secretary shall give notice, by letter, to the property owner and respon-  
29 sible parties that the waste tires constitute a nuisance or risk to public  
30 health or the environment, and that the waste tire accumulation must be  
31 abated within a specified period. The secretary may undertake abatement  
32 action utilizing funds from the waste tire management fund if *the re-*  
33 *sponsible parties fail to take the required action within the time period*  
34 *specified in the notice.* ~~(1) The waste tires were accumulated before July~~  
35 ~~1, 1990, and abated before July 1, 2003; or~~  
36 ~~(2) the waste tires were accumulated after July 1, 1990, and the re-~~  
37 ~~sponsible parties fail to take the required action within the time period~~  
38 ~~specified in the notice.~~

39 (d) The department and its representatives are authorized to enter  
40 private property to perform abatement activities if the responsible party  
41 fails to perform required clean-up work, but no entry shall be made with-  
42 out the property owner's consent except upon notice and hearing in ac-  
43 cordance with the Kansas administrative procedure act.



1 ~~(d)~~ (e) All costs incurred by the secretary in the abatement of illegal  
2 waste tires accumulated after July 1, 1990, accumulations or illegally man-  
3 aged waste tires or in performing interim measures, including adminis-  
4 trative and legal expenses, are recoverable from a responsible party or  
5 parties and may be recovered in a civil action in district court brought by  
6 the secretary. ~~If~~ Any abatement costs are recovered under this section:  
7 the city or county that shared in the cost of the abatement action shall be  
8 reimbursed its costs not to exceed 25% of the amount recovered. The  
9 remaining amount recovered shall be remitted to the state treasurer in  
10 accordance with the provisions of K.S.A. 75-4215, and amendments  
11 thereto. Upon receipt of each such remittance, the state treasurer shall  
12 deposit the entire amount in the state treasury to the credit of the waste  
13 tire management fund. An action to recover abatement or interim meas-  
14 ures costs may be commenced at any stage of an abatement.

15 ~~(e)~~ (f) In performing or entering contracts for abatement actions un-  
16 der this section, the secretary shall give preference to actions that recycle  
17 waste tires or burn waste tires for energy recovery. Direct abatement  
18 expenditures may include landfilling when waste tires are contaminated  
19 or when feasible in-state markets cannot be identified.

20 ~~(f)~~ (g) Permits granted by the secretary pursuant to K.S.A. 65-3424b,  
21 and amendments thereto, shall not be transferable and may be revoked  
22 or suspended whenever the secretary determines that the permit holder  
23 is operating in violation of this act or rules and regulations adopted pur-  
24 suant to the act: is creating or threatens to create a hazard to persons,  
25 property or the environment; or is creating or threatens to create a public  
26 nuisance. The secretary may also revoke, suspend or refuse to issue a  
27 permit when the secretary determines that past or continuing violations  
28 of the provisions of K.S.A. 65-3409, and amendments thereto, have been  
29 committed by the applicant or permit holder.

30 ~~(g)~~ (h) Neither the state of Kansas nor the waste tire management  
31 fund shall be liable to any owner, operator or responsible party for the  
32 loss of business, damages or taking of property associated with any abate-  
33 ment or enforcement action taken pursuant to this section.

34 ~~(h)~~ (i) The secretary shall enter into contracts with one or more as-  
35 sociations of tire retailers to: (1) Assist in disseminating information to all  
36 tire retailers on the requirements of solid waste laws and rules and reg-  
37 ulations relating to waste tires; (2) establish a point of contact for persons  
38 requesting information on solid waste laws and rules and regulations re-  
39 lating to waste tires; (3) assist in planning and implementing conferences,  
40 workshops, and other requested training events for persons involved in  
41 the generation, transportation, processing, or disposal of waste tires; and  
42 (4) assemble and analyze data on waste tire management by tire retailers  
43 in Kansas.

4-10

1 Sec. 6. K.S.A. 65-3426 is hereby amended to read as follows: 65-  
2 3426. (a) There is hereby established within the department of health and  
3 environment the solid waste grants advisory committee, which shall be  
4 composed of ~~seven~~ *eight* members as follows:

5 (1) ~~Six~~ *Seven* members appointed by the governor, two of whom shall  
6 represent the interests of regional solid waste management entities, two  
7 of whom shall represent the interests of counties, one of whom shall  
8 represent the interests of cities ~~and one of whom shall represent the interests~~,  
9 *of waste tire generators or handlers* and one of whom shall represent the  
10 interests of the private sector:

11 (2) the secretary of health and environment or the secretary's  
12 designee.

13 (b) Appointive members of the solid waste grants advisory committee  
14 shall serve terms of two years. The secretary of health and environment  
15 or the person designated by the secretary shall serve as chairperson of  
16 the advisory committee.

17 (c) Members of the solid waste grants advisory committee shall re-  
18 ceive amounts provided by subsection (e) of K.S.A. 75-3223 and amend-  
19 ments thereto for each day of actual attendance at any meeting of the  
20 advisory committee or any subcommittee meeting authorized by the ad-  
21 visory committee.

22 (d) The secretary of health and environment shall provide technical  
23 support related to the activities of the solid waste grants advisory com-  
24 mittee, including but not limited to establishing project selection criteria,  
25 performing technology evaluations, assessing technical feasibility and de-  
26 termining consistency with the statewide solid waste management plan,  
27 the applicable county or regional solid waste management plan and re-  
28 gional activities.

29 (e) In accordance with schedules established by the secretary of  
30 health and environment, the solid waste grants advisory committee shall  
31 meet to review competitive grant applications submitted pursuant to sub-  
32 section (b) of K.S.A. 65-3415, and amendments thereto. The advisory  
33 committee shall establish a project priority list for each fiscal year based  
34 upon the availability of funds as estimated by the secretary and shall make  
35 recommendations regarding the selection of grantees and the disburse-  
36 ment of moneys.

37 Sec. 7. K.S.A. 65-3424, 65-3424a, 65-3424b, 65-3424g, 65-3424k, 65-  
38 3424m and 65-3426 are hereby repealed.

39 Sec. 8. This act shall take effect and be in force from and after its  
40 publication in the statute book.